

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

USGEN NEW ENGLAND, INC., a  
Subsidiary of NATIONAL ENERGY &  
GAS & GAS TRANSMISSION, INC.,  
f/k/a PG&E NATIONAL ENERGY  
GROUP, INC.,

Plaintiff,

v.

BENTLY NEVADA, LLC, f/k/a BENTLY  
NEVADA CORPORATION, LLC and  
BENTLY PRESSURIZED BEARING  
COMPANY, f/k/a BENTLY NEVADA  
CORPORATION,

Defendants

**DEFENDANTS' INITIAL AUTOMATIC  
DISCLOSURE**

CIVIL ACTION NO. 04-12629-RWZ

The Defendants, Bently Nevada LLC, f/k/a Bently Nevada Corporation, LLC (the "LLC") and Bently Pressurized Bearing Company, f/k/a Bently Nevada Corporation ("Bently Nevada") (collectively, the "Defendants"), hereby submit the following disclosure pursuant to Rule 26(a) of the Federal Rules of Civil Procedure and Local Rule 26.2(A) of the United States District Court for the District of Massachusetts (the "Local Rules"):

**A. Individuals likely to have discoverable information.**

In varying degrees, the following individuals are believed at this time to have knowledge relative to: (i) the terms and conditions of the scope of work and contractual arrangement between Bently Nevada Corporation and USGen New England, Inc.; (ii) the work performed and requested to be performed at the Salem Harbor Plant, including the direction and approvals given to Bently Nevada by USGen New England, Inc. and the original equipment manufacturer; (iii) the events surrounding the machinery and/or equipment failures at Salem Harbor Plant; (iv) the service of and/or repairs made (or allegedly made) to machinery and/or equipment at Salem

Harbor Plant; (v) the damages allegedly sustained, including causes thereof and reasons therefor; and (vi) the credits issued to USGen New England, Inc. for machinery or equipment failures and/or service or repairs made (or allegedly made) to machinery or equipment at Salem Harbor Plant. The Defendants reserve the right to supplement this list in a timely manner as discovery progresses and new facts and information come to light.

1. John Kingham, Service Director, GE Company, 105 Chesley Drive, Media, Pennsylvania 19063.
2. David Chappron, Sales Manager, GE Company, P.O. Box 850640, Braintree, Massachusetts 02184.
3. Andy Heckman, Global Sales Leader, GE Company, 2849 Sterling Drive, Hatfield, PA 19440.
4. Erik Lindhjem, Field Application Engineer, GE Company, 5445-77 Center Drive, Suite 60, Charlotte, NC 28217.
5. Everett Jesse, Global Training/Supporting Services Manager, GE Company, 1631 Bently Parkway South, Minden, NV 89423.
6. Mike Humphrey, GE Company, 640 Freedom Business Center, King of Prussia, PA 19406.
7. Jeffrey Gordon, GE Company, 105 Chesley Drive, Media, Pennsylvania 19063.
8. Michael Troutman, GE Company, 1172 Woodwinds Dr., Waxhaw, NC 28173.
9. Thomas Donahue, GE Company, 105 Chesley Drive, Media, Pennsylvania 19063.
10. Orest Kynik, Services Team Leader, GE Company, 105 Chesley Drive, Media, Pennsylvania 19063.
11. Jeffrey Marrs, USGen New England, Inc.

12. Allen Sload, USGen New England, Inc.
13. Ted Witman, USGen New England, Inc.
14. Wallace Ziehler, USGen New England, Inc.
15. Rick Sennott, Siemens Westinghouse Power Corporation.

**B. Relevant Documents.**

1. Initial Quotation, Purchase Orders, Change Order, and related terms, conditions, and documentation relative to the contractual arrangement between Bently Nevada Corporation and USGen New England, Inc. at Salem Harbor Plant.
2. Correspondence, notes, and communications relating to the scope of work and the contractual arrangement between Bently Nevada Corporation and USGen New England, Inc. at Salem Harbor Plant.
3. Correspondence, communications, notes, observations and analysis relating to specifications, work performed, and machinery and/or equipment failures at Salem Harbor Plant.
4. Designs, drawings, and photographs of machinery and equipment involved in or related to the contractual arrangement between Bently Nevada Corporation and USGen New England, Inc. at Salem Harbor Plant.
5. Correspondence and communications relating to service of and/or repairs made (or allegedly made) to machinery and/or equipment at Salem Harbor Plant, as well as potential causes of machinery and/or equipment failures.
6. Correspondence and communications relating to credits issued to USGen New England, Inc. for machinery or equipment failures and/or service or repairs made (or allegedly made) to machinery or equipment at Salem Harbor Plant.

Copies of all non-privileged documents referenced above will be made available, at Plaintiff's expense, at the offices of Riemer & Braunstein LLP, Three Center Plaza, Boston, Massachusetts 02108 at a mutually convenient time and date. The Defendants reserve the right to supplement this list in a timely manner as discovery progresses and new facts and information come to light.

**C. Computation of Damages.**

Not applicable. The defendants have no counterclaim at this time.

**D. Applicable Insurance Agreement(s).**

Federal Insurance Company Policy Number 3537-86-35, covering a policy period of April 1, 2001 through April 1, 2002, is available to satisfy part or all of a judgment which may be entered in this action, or to indemnify or reimburse for payments made to satisfy the judgment. The general aggregate limit of this policy is \$2,000,000.00. The Defendants agree to produce a copy of the policy to the Plaintiff.

BENTLY NEVADA LLC f/k/a BENTLY NEVADA CORPORATION LLC; and BENTLY PRESSURIZED BEARING COMPANY, f/k/a BENTLY NEVADA CORPORATION,

By their Attorneys,  
RIEMER & BRAUNSTEIN LLP

Dated: March 17, 2005

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/s/ Craig J. Ziady  
 Joseph R. Valle, Jr. - BBO No. 550291  
 Craig J. Ziady - BBO No. 565216  
 Riemer & Braunstein LLP  
 Three Center Plaza  
 Boston, Massachusetts 02108  
 (617) 523-9000

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COMPANY, f/k/a BENTLY NEVADA  
CORPORATION,

Defendants

**CERTIFICATE OF SERVICE**

I, Craig J. Ziady, hereby certify that on this date, March 17, 2005, I served the foregoing  
Initial Automatic Disclosure, by causing a copy of same to be delivered by first-class mail,  
postage prepaid, or by electronic notification (“EN”) where indicated, to:

Kathleen A. Kelley, Esquire (EN)  
Hare & Chaffin  
160 Federal Street  
Boston, MA 02110

Brook F. Minx  
Donato,Minx and Brown, P.C.  
Southwest Freeway  
Ste.2310  
Houston, TX 77027-1112

/s/ Craig J. Ziady  
Craig J. Ziady

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